

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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SAFE STEP WALK-IN TUB CO.,

Plaintiff,

-against-

Civil No. 15-cv-07543 (NSR) (LMS)

CKH INDUSTRIES, INC.,

Defendant.

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**NOTICE OF MOTION TO COMPEL DISCOVERY AND
PRODUCTION AND/OR SANCTION ANY
WILLFUL NON-COMPLIANCE**

PLEASE TAKE NOTICE, that upon the annexed declaration of Donald J. Feerick, Jr., dated April 10, 2020, the exhibits annexed thereto, and the accompanying memorandum of law, dated April 10, 2020, and upon the papers and proceedings heretofore had herein, the Defendant, CKH Industries, Inc., will move this Court before the Honorable Lisa Margaret Smith, U.S. Magistrate Judge, at a term thereof, located at 300 Quarropas Street, White Plains, New York, on a date and time to be determined by the Court, for an Order, pursuant to Rule 37 of the Federal Rules of Civil Procedure: (1) compelling discovery and production by Plaintiff Safe Step Walk-In Tub Co. in response to Defendant's Demands Nos. 4, 14, and 17, contained in Defendant's First Request for Production of Documents and Things, which were dated and served upon Defendant on September 30, 2019; (2) awarding Defendant costs and reasonable attorneys' fees associated with making this motion in the event Plaintiff's objections are not substantially

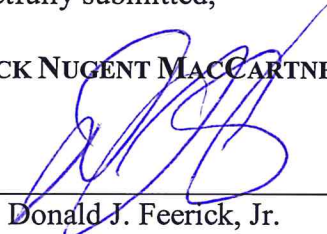
justified or other circumstances do not suggest such would be unjust; and/or (3) sanctioning any willful non-compliance, together with such other and further relief as this court deems just and proper under the circumstances, including the costs, disbursements, and attorneys' fees in connection with this motion.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served upon the undersigned pursuant to the Court's Order, on or before May 11, 2020, and reply, if any, must be served by May 16, 2020.

Dated: South Nyack, New York
April 10, 2020

Respectfully submitted,

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To: All Counsel (via ECF)